IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.1317 OF 2006

IN

WRIT PETITION NO.4344 OF 2006

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and registrar's Orders.	Court's or Judge's Orders

Ms Uma G.Wagle for applicant
Mr.Uday Bhanu Singh for respondent

CORAM : P.V.KAKADE, J.

DATE : 28TH APRIL,2006

P.C.:

MENTIONED NOT ON BOARD

1. Heard both sides.

2. This is application is for seeking extension of time to vacate the suit premises till 20th May 2006. This is consequent upon the directions issued by this Court in earlier Civil Application No.2509 of 2005 in Writ Petition No.4344 of 2005. By order dated 30th September,2005 this court allowed the applicant to continue to be in the suit premises upto 30th April

2006 on condition that Undertaking in the usual terms should be filed within two weeks from the date of that order. It was further observed that no further extension would be sought for. Inspite of that aspect today the further extension is sought for.

3. It is to be noted, as pointed by the learned advocate for the respondents, that usual undertaking was not filed by the petitioner within stipulated time. However, it is brought to my notice that subsequently the undertaking has been filed, which is part of the record. I have perused the same and satisfied that the undertaking is in usual terms. On the question of further extension the learned counsel for the applicant makes a statement that they will vacate the suit premises on or before 15th May 2006 and after taking instruction from her client, who is present, also agrees that if the applicant does not comply with the order of this court on 15.5.2006, then, the cost of Rs.50,000/= could be saddle upon them.

4. In view of this aspect, I am

inclined to grant time. Hence, the application is made absolute in terms of prayer clause (a) to the extent that further extension to vacate the suit premises till midnight of 15th May 2006, failing which the applicants shall pay the cost of Rs.50,000/= to the petitioner within two weeks therefrom, besides running the risk of further action by this court for non compliance of the order. This order is passed in presence of the application, who is present in the court.

5. With this direction the application stands disposed of with no order as to costs.

6. C.C. expedited.